

**Minutes  
VA State Board of Social Services  
April 18-19, 2007**

**Pittsylvania County Community Workforce Center  
707 Piney Forest Road  
Danville, Virginia 24540**

**Members Present**

Danny Brown, Chair  
Nettie Simon-Owens, Vice Chair  
Peppy Linden, Secretary  
Trudy Brisendine  
Maggi Luca  
Brenda Hornsby  
Shirley E. Culpepper

**Members Absent**

Marilyn Rigby (illness in family)  
Bela Sood (illness)

**Wednesday, April 18**

The meeting was called to order at 9:00 a.m., Chair Danny Brown presiding.  
A moment of silence was held to honor the victims and families from Virginia Tech.

**Welcome and Introductions**

Lee Patterson, Director of Piedmont Regional Office, Gwendolyn Edwards, Director of Danville Human Services Department, Gerry Gwaltney, City Manager and Linwood Saunders, Board member welcomed the State Board to Danville and thanked them for their hard work and dedication to citizen's of the Commonwealth.

Sherman M. Saunders, President of Virginia Community Action Partnership and Executive Director of Pittsylvania County Community Action, Inc., Cory Hobble, and Ann Adams welcomed the Board to Danville.

Mr. Saunders, Jim Schuyler, and Gwendolyn Edwards presented a commemorative brick to the Board as a foundation for the first meeting held between Community Action Agencies and the State Board of Social Services. It is the hope that additional meetings can be hosted in Community Action Agencies throughout the Commonwealth.

Mr. Martin recognized Kenneth McCabe from the Department of Planning & Budget.

Mr. Martin advised he had spoken with HR regarding the issue of Newport News (from the February meeting). He will have a further update at the June meeting.

Mr. Martin further advised he had spoken with Commissioner Christopher from the Dept. of Aging and she will be on hand at the August meeting to report on No Wrong Door.

The Spark website has been delayed until 2008.

Mr. Martin advised that a dedicated web address had been established to receive Board mail, inquires, etc. A card with this information was handed to members.

### **Review of Agenda and Regulation Status Report**

Richard Martin reviewed the agenda.

Currently, the Dept. of Social Services has 61 regulations in place. 26 of the 61 are currently in process.

- 17 are being repealed
- 6 are being amended
- 3 are undergoing periodic review
- 8 additional new regulations are being promulgated

That totals 69 regulations and potential regulations, 34 of which are currently active.

Regulations currently in public comment

- 22 VAC 40-11 Public Participation Guidelines
- 22 VAC 40-680 Virginia Energy Assistance Program-  
Low Income Home Energy Assistance Program
- 22 VAC 40-780 Elimination of Financial Eligibility Criteria for Direct Social  
Services

A copy of this report was provided to members with the original report attached to the minutes housed in the home office.

### **Virginia Community Action Partnership**

Sherman Saunders spoke to members regarding the Virginia Community Action Partnership and the work they do to fight poverty and build self-sufficiency for strong families and communities throughout the Commonwealth of Virginia. Each agency focuses on its unique local needs and also comes together as the community action network to discuss common issues, share ideas, experiences and strategies for success.

Core funding for community action comes from the federal Community Services Block Grant and designated state funding. Federal and state CSBG funds are flexible and primarily fund local investments in services, facilities, and partnerships in the community.

Additional government funding as well as private sector contributions and substantial volunteer time and in kind contributions support community action activities.

Community action relies on mobilizing help from private-sector partners, volunteers, and faith-based groups. Each \$1 of core funds is leveraged by an additional \$10 in cash and in-kind contributions.

A copy of the Virginia Community Action Partnership Annual Report, Pittsylvania County Community Action Newsletter, and Workforce Investment Act Program flyer were provided to members with copies attached to the original minutes housed in the home office.

This week is recognized as Virginia Volunteer Week.

**22 VAC 42-11-10 Standards for Interdepartmental Regulation of Children's Residential Facilities and 22 VAC 42-10-10 Standards for Interdepartmental Regulation of Children's Residential Facilities**

Charlene Vincent, Manager provided history on this regulation and reviewed proposed changes. Mr. Martin advised that a public hearing is planned for this regulation.

**Public Comment**

None

**Commissioner's Comments**

Commissioner Conyers spoke of the recent tragedy on the campus of Virginia Tech and the outstanding response time and work being done by department, local and regional staff.

Friday has been designated a day of mourning in Virginia with memorial services encouraged statewide.

Commissioner Conyers advised the department is having an outside review done to ensure we are on target with IV-E. Thanks to J. R. Simpkins and staff for a great job. He advised there will be a budget impact due to IV-E changes but we currently don't know the amount.

Commissioner Conyers spoke on the APA Audit Report, advising that Dr. Renee Fleming-Mills is working diligently on the HR piece to remove staff from payroll timely. There has been difficulty because HR must also transition staff from 120 different agencies on/off payroll as well as state staff. He is pleased to report that this issue has been cleared as of April 1.

Because of the department size and complexity, APA focused on administration issues. He challenged our internal audit staff to predict where we should be focusing instead of having the APA tell us. Commissioner advised that we are in a much better position than where we were two years ago.

He advised a Foster Care Review was recently done and was pleased to report the feds were elated with the progress we have made. Thanks to Lynette Isbell, Terese Wolf, and others for a great job.

April has been designated Child Abuse Prevention Month by the Governor. Blue ribbons and brochures were provided to members.

Commissioner Conyers advised he had been privileged to travel with Virginia's First Lady on her *For Kids Tour* and appreciated her assistance to the department.

He advised that Karin Clark will serve as department liaison to the Board's Poverty Committee. Karin is new to the Commissioner's Office but not the department. She is very knowledgeable and skilled and his office is elated to have her on board.

Commissioner Conyers advised we can't solve problems alone, and was pleased that we're building relationships with Community Action Agencies. This brick represents the first meeting hosted by a CAP agency and hopes there will be more in other parts of the state.

Commissioner advised he had met with the League IT Committee and Professional Development Committee on Commissioner's Council.

The Commissioner advised that as part of building a relationship with the Board he had attended every meeting for the past two years, but would unfortunately miss the next day meeting due to a prior commitment.

Commissioner Conyers presented Allen Wilson, our representative from the Office of the Attorney General, with a certificate for five years of continued service to the department and Board.

In closing, Commissioner Conyers thanked Sherman Saunders for his assistance in finding housing for a family the department had referred. He stated that Mr. Saunders knows and understands the needs of people and he is proud to call him a friend.

### **VLSSE COMMENTS**

Susan Clark advised that as a Virginia Tech graduate, this has been a difficult week at her office, emphasizing the importance of responding immediately and the need for collaboration.

Ms. Clark stated that since welfare reform, we don't have people for a lifetime. We have the unique ability to impact lives and can continue to work diligently. She applauds the department over the past two years and the work of the Commissioner's Council.

She advised the League is adopting its 2008 Legislative Agenda and will oppose HB 1146. The Board members were invited to attend its May 1-3 meeting in Charlottesville.

In closing, Ms. Clark stated the League had worked collaboratively with Ms. Fleming-Mills on the Class Comp Study. She said we're all committed to making Virginia a better place to live and requested the Board's continued support.

### **2007 Legislative Update**

Mr. Martin reviewed the 2007 Legislative Update citing House Bill 2319 and Senate Bill 905 as legislation of concern. He advised that BH 2537 and 1139 impact the Administrative Process Act and will impact the work of the Board.

Copy of the 2007 Legislation Implementation Plan and Legislative Study Reports was also provided to members with the original attached to minutes housed in the home office.

Mr. Martin advised that future meetings of the Poverty Committee will be listed separately in the Virginia Townhall. Ms. Brisendine agreed to forward the minutes to Ms. Rengnerth so they could be uploaded to the meeting notification.

Mr. Martin advised that he will continue to track the 2006 Legislative Implementation Plan and will report on this at every other meeting. Members were asked to contact Mr. Martin prior to June if they have any potential legislation for review.

### **ACTION ITEMS**

#### **Minutes**

***ON MOTION DULY MADE (Ms. Luca) and seconded (Ms. Simon-Owens) moved to approve the minutes of the previous meeting as provided. Motion carried with all in favor.***

**22 VAC 40-41**

**Neighborhood Assistance Program**

**Final Adoption**

This final regulatory action will ensure the availability of tax credits and their equitable distribution among approved organizations. The amendments also ensure fairness in the valuation of certain donated items and to improve the process for determining eligibility of organizations applying to participate in the Neighborhood Assistance Program.

*ON MOTION DULY MADE (Ms. Brisendine) and seconded (Ms. Luca) moved to approve 22 VAC 40-41, Neighborhood Assistance Program for publication in the Virginia Register subject to approval under the provisions of Executive Order Number 36 (2006). This regulatory action may become effective 30 days after publication. Motion carried with all in favor.*

**22 VAC 42-11-10**

**Standards for Interdepartmental Regulation of Children's Residential Facilities and**

**22 VAC 42-10-10**

**Standards for Interdepartmental Regulation of Children's Residential Facilities**

**Proposed New Regulation and Proposed Repeal**

This action will establish a new regulation and repeal the existing regulation. The new regulation will meet federal regulations, ensure that services provided to residents are appropriate for their needs, bring the standards in line with current industry standards and needs, clarify frequently misinterpreted standards, and delete unnecessary requirements. This regulation is jointly promulgated by the Boards of Education; Juvenile Justice; Mental Health, Mental Retardation and Substance Abuse Services, and Social Services. These agencies, through the Interdepartmental Regulation Coordinating Committee, have joined together under a joint agency number in the Virginia Administrative Code to promulgate one set of regulations.

*ON MOTION DULY MADE (Ms. Simon-Owens) and seconded (Ms. Hornsby) moved to approve the proposed regulatory package to establish 22 VAC 42-11-10 et. Seq., Standards for Interdepartmental Regulation of Children's Residential Facilities for publication in the Virginia Register subject to approval under the provisions of Executive Order Number 21 (2002) and approve the proposed regulatory package to repeal 22 VAC 42-10-10 et seq., Standards for Interdepartmental Regulation of Children's Residential Facilities and finally, approve the fiscal impact analysis for distribution to local boards of social services. Motion carried with all in favor.*

**Community Action Agency Resolution**

The Virginia State Board of Social Services presented a Resolution to the Virginia Community Action Partnership and Commonwealth's Association of Community Action Programs for their ongoing efforts to assist those in need. The resolution was read by Board Secretary Peppy Linden. A copy is attached to the official minutes housed in the home office.

***ON MOTION DULY MADE (Ms. Brisendine) and seconded (Ms. Luca) moved to approve the Resolution commending the Community Action Partnership and Association of Community Action Programs for their ongoing efforts. Motion carried with all in favor.***

**22 VAC 40-201, Permanency Services- Prevention, Foster Care Adoption And Independent Living Withdraw Regulatory Action**

Mr. Martin advised the proposed new regulation impose mandates on local departments of social services in terms of staffing without state funding being made available to cover the cost of the additional staffing. Governor Kaine has stated that "...I will not approve a final regulation that contains a mandate on local agencies without appropriate state funding being available."

Additionally, the 2006 General Assembly passed budget language stated "Neither the Commissioner nor the State Board of Social Services shall make programmatic changes related to adoption services without approval of the General Assembly and shall administer such program within the provisions of existing law, regulations and budget constraints."

The Board was requested to withdraw the action to establish 22 VAC 40-211 and the actions to repeal 22 VAC 40-200, 22 VAC 40-210, 22 VAC 40-240, 22 VAC 22 40-250, 22 VAC 40-260, 22 VAC 40-280 and 22 VAC 40-800.

***ON MOTION DULY MADE (Ms. Brisendine) and seconded (Mr. Culpepper) moved to withdraw Regulation 22 VAC 40-201, Permanency Services- Prevention, Foster Care Adoption and Independent Living. Motion carried with all in favor.***

**22 VAC 40-211, Resource, Foster and Adoptive Family Home Approval Standards Withdraw Regulatory Action**

Mr. Martin advised the proposed new regulation impose mandates on local departments of social services in terms of staffing without state funding being made available to cover the cost of the additional staffing. Governor Kaine has stated that "...I will not approve a final regulation that contains a mandate on local agencies without appropriate state funding being available."



Additionally, the 2006 General Assembly passed budget language stated “Neither the Commissioner nor the State Board of Social services shall make programmatic changes related to adoption services without approval of the General Assembly and shall administer such program within the provisions of existing law, regulations and budget constraints.”

The Board is requested to withdraw the action to establish 22 VAC 40-211 that was published in the Virginia Register on July 11, 2005 and January 8, 2007.

***ON MOTION DULY MADE (Ms. Simon-Owens) and seconded (Mr. Culpepper) moved to withdraw Regulation 22 VAC 40-211, Resource, Foster and Adoptive Family Home Approval Standards. Motion carried with all in favor.***

**22 VAC 40-810-10 et. Seq., Fees for Court Services Provided by Local Departments of Social Services**

**Withdraw Regulatory Action**

Mr. Martin advised this regulation was being repealed because its provisions of this regulation had been included in the proposed regulation 22 VAC 40-201. With an additional request, the department asked that you withdraw the promulgation of 22 VAC 40-201. Thus, I request you withdraw the action to repeal 22 VAC 40-810-10 et.seq.

***ON MOTION DULY MADE (Ms. Luca) and seconded (Ms. Simon-Owens) moved to withdraw Regulation 22 VAC 40-810-10 et. seq., Fees for Court Services Provided by Local Departments of Social Services. Motion carried with all in favor.***

**22 VAC 40-305-Cash Assistance for Two-Parent Families**

**Withdraw Regulatory Action**

The establishment of a comprehensive TANF regulation in 2004 that combined numerous existing TANF regulations, including the unemployed parent component, negated the need for a separate two-parent TANF regulation. Essentially, the source of funding for two-parent families is an accounting procedure that does not change the eligibility requirements for two-parent families and does not require the development of a separate regulation.

The Board was requested to withdraw the action to establish 22 VAC 40-305 that was published in the Virginia Register on November 20, 2000.

***ON MOTION DULY MADE (Ms. Simon-Owens) and seconded (Ms. Brisendine) moved to withdraw 22 VAC 40-305-Cash Assistance for Two-Parent Families Regulation Motion carried with all in favor.***



**Thursday, April 19**

Meeting Resumed from Wednesday recess.

**INFORMATION ITEMS**

**Classification & Compensation Study**

Betty Wells, Director of Halifax LDSS, Richard Verilla, Director of Campbell County LDSS and Brenda Owens, HR Project Manager were on-hand to discuss the Classification & Compensation Study. It was advised that job classifications have not been updated since 1984 and do not reflect the usage of modern day computers and software technology. Job titles are also outdated. The old system lacks flexibility and opportunities for career progression.

The study's focus is to provide a classification system that will accurately reflect employee's job duties, that will utilize modern Human Resources titles and concepts, and that will be a system that can be readily maintained. The second focus is to provide a Compensation Management System that will recognize the importance of being able to recruit and retain qualified staff in our local agencies and provide for comparable entry level salaries, allow for career progression, allow local flexibility within established parameters, and correlate with the Compensation System and practices being utilized by the state Social Services system.

She advised that collaboration has been essential to the success of this subcommittee. Both local and state personnel have been actively involved in the process.

The draft specifications have been shared with all local directors for their review and input and the plan is to have the product to the State Board members for review and approval at the June 2007 meeting. Funding for implementation is anticipated to be included in the FY 2009-2010 biennium budget cycle. If approved, the timeline calls for implementation effective July 1, 2008.

Documents on this plan will be provided to Board members at least 3 weeks prior to the June meeting.

**Unfinished Business**

Board Role Discussion—(as requested by Ms. Rigby). It was the wish of the Board to postpone this discussion until the June meeting but no later.

There was some discussion from Ms. Brisendine whether a one-day special meeting in Richmond should be called to discuss this issue. Mr. Brown advised he felt the second day of the June meeting would suffice but was open to a one-day special meeting if warranted.

#### Travel Reimbursement

Mr. Martin advised that Board members would now receive their reimbursement checks through direct deposit to their accounts. He reminded everyone to get their information to Ms. Rengnerth as soon as possible.

Ms. Luca questioned Mr. Martin about the vote taken on Wednesday to withdraw foster care proposed regulations. The Board went into closed meeting with counsel to discuss this issue.

#### Closed Meeting

*ON MOTION DULY MADE (Ms. Luca) and seconded (Ms. Brisendine) moved to go into Closed Meeting. Motion carried with all in favor.*

#### Certificate of Closed Meeting

*ON MOTION DULY MADE (Ms. Linden) and seconded the Board returned to open session. Voice vote to determine only this matter was covered in closed meeting:*

*Mr. Brown-aye; Ms. Simon-Owens-aye; Ms. Luca-aye; Ms. Brisendine-aye; Ms. Hornsby-aye; Mr. Culpepper-aye; and Ms. Linden-aye. Motion carried with all in favor.*

*ON MOTION DULY MADE (Ms. Luca) and seconded in light of the withdrawal of the permanency regulation which includes foster care and the length of time the Board spent working on it, we request the department provide a report at the June 2007 meeting on this issue and a foster care regulation by December 2007. Motion carried with all in favor.*

#### Future Business

##### Appoint Nominating Committee for 2007-08 Officers

The following members were appointed to the committee: Ms. Linden, Ms. Luca, and Mr. Culpepper. Ms. Luca will serve as Chair.

#### Committee Reports

##### Poverty Committee

Ms. Brisendine reported the committee had some thoughts and resolutions that will be discussed at the June meeting.

The following items were requested at the June Meeting:

Ms. Luca asked and Ms. Schultze agreed to provide an update on the Strategic Plan Committee at the June Board meeting. A report was requested prior to the meeting to ensure members could have time to review.

Ms. Brisendine asked for a report on the Differential Response System.

She also requested a Child Fatality Report and asked that a prepared report be sent to members prior to the June meeting. Ms. Brisendine would also like to know if any Assisted Living Facilities have closed due to the regulations enforce. She would like the Board to receive this information on a regular basis.

Ms. Brisendine would like the Board to show their support of the First Lady and her efforts on behalf of children. Ms. Schultze was asked to speak with Commissioner about the possibility of having the First Lady attend the Board's December meeting in Petersburg.

#### **Future Meeting Schedule**

June 20-21 Albemarle County  
August 15-16 Norfolk  
October 17-18 Russell County  
December 12-13 Petersburg

#### **Board Member Comments**

Members joined to thank Sherman Saunders and his staff for hosting the Board meeting and for the hospitality shown members during their stay. A special thanks to Fred for providing transportation to members. The commemoration brick will be cherished with the hope of future meetings held at Community Action Agency sites statewide.

Appreciation was also given to Ms. Rengnerth, Mr. Martin, Mr. Wilson, and department staff for their assistance to the Board.

Members acknowledged their appreciation of Commissioner Conyers for attending Board meetings and for his support of them.

#### **Adjournment**

***ON MOTION DULY MADE (Ms. Simon-Owens) and seconded (Ms. Hornsby) moved to adjourn the meeting. Motion carried with all in favor.***